



School Council Election Fact Sheet

What does the statute say?

The actual text of the statute on teacher and parent elections is found in KRS 160.345(2)(b)1-2. The complete text is included in the box.

Section 2

1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students pre-registered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal or head teacher shall be the chair of the school council.
2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
 - a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and
 - b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty.

What are the general procedures required for teacher elections?

Teachers must be elected by a majority (one-half plus one) of teachers in an election conducted by teachers. The definition of *teacher* as any person for whom certification is required as a basis of employment in the public school of the state with the exception of principals, assistant principals, and head teachers [KRS 160.345(1)(c)]. Only teachers who are assigned to a school may vote in teacher elections. Teachers should establish written procedures they will use for their elections, and then follow those procedures.

What are the general procedures required for parent elections?

Parents must be elected by the parents of students pre-registered to attend the school during the term of office. The election is to be conducted by the parent and teacher organization, or largest group of parents formed for the purpose of parent elections. Election by plurality (most votes by the top two candidates) is all that is required for parent elections. Parent groups conducting the parent elections should establish written procedures for their elections, and then follow those procedures.

What parents are eligible to be nominated or to vote?

The definition of parent allows biological parents, stepparents, foster parents, or persons who have court ordered legal custody to be nominated or to vote in parent elections at a school where the child is pre-registered [KRS 160.345(1)(d) and (2)]. According to the statute, parents who are nominated or who wish to vote must have a child "pre-registered to attend" the school for next year.

Parent school council members cannot be employed in or be related to someone who is employed in the school or in the district administrative offices. Attorney General's Opinion 90-102 states that "relative" as used in this section should have the same definition found in KRS 160.180 and KRS 160.380. This definition of relative includes "*father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law*" of someone who works at the school or in the district administrative offices. Parent members cannot be a board member or a board member's spouse, nor can they have a business interest in the school.

What about our school council's by-laws on elections?

The Kentucky Department of Education and the Office of Education Accountability recommend that school councils remove election procedures for teachers and parents from their bylaws. Teachers and parents should establish their own written election procedures.

What is the principals' role in elections?

Other than conducting the election for the minority teacher and parent members in the event the school is required to do so, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents, if requested to do so, with logistics such as opening the building, providing space in the building, and assisting PTA or PTO and teachers with communicating election meeting times and dates. Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

When must a school council have an election for minority members?

If a school has 8% or more minority enrollment as of the October 1 preceding the election, they must have minority representation on their school council. If a minority member is elected to the school council in the initial elections, or if the principal is a minority, then the school council does not have to elect additional minority members.

Who conducts the election for additional minority members?

The principal is responsible for conducting elections for additional minority members. The statute gives specific guidance to the principal about how to do the special elections for an additional parent and teacher members [KRS 160.345(2)(a)b].